

**PETITIONER'S MEMORANDUM OF POINTS AND AUTHORITIES  
IN SUPPORT OF PETITION FOR INJUNCTION**

**TABLE OF EXHIBITS**

| <b>Exhibit</b>  | <b>Description</b>                                   |
|---|--|
| <b>1. Administrative Record of Cases 06-CA-248017, 263791, and 269346</b> |  |
| 1(a)  | Transcript of Hearing                                |
| 1(b)  | Joint Exhibits                                       |
| 1(c)  | General Counsel Exhibits                             |
| 1(d)  | Charging Party Exhibits                              |
| 1(e)  | Respondent Exhibits                                  |
| 1(f)  | Decision of Administrative Law Judge Geoffrey Carter |
| <b>2. Administrative Record of Cases 06-CA-263780 and 302624</b>          |  |
| 2(a)  | Transcript of Hearing                                |
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| <b>3. Administrative Record of Cases 06-CA-259157, 268248, and 302602</b> |  |
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| 3(d)  | Charging Party Exhibits                              |

| <b>Exhibit</b>  | <b>Description</b>  |
|---|---|
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| <b>4. Administrative Record of Cases 06-CA-269416, 302624, and 311141</b> |   |
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| 4(e)  | Decision of Administrative Law Judge Geoffrey Carter                        |
| <b>5</b>  | <b>Affidavit of Mailers President John Clark</b>                            |
| <b>6</b>  | <b>Affidavit of Advertisers President Donald McConnell</b>                  |
| <b>7</b>  | <b>Affidavit of NewsGuild President Zachary Tanner, dated June 27, 2023</b> |
| <b>8</b>  | <b>Affidavit of NewsGuild President Zachary Tanner, dated May 7, 2023</b>   |
| <b>9</b>  | <b>Affidavit of Employee A</b>  |
| <b>10</b>   | <b>Affidavit of Employee B</b>  |
| <b>11</b>   | <b>Affidavit of Employee C</b>  |
| <b>12</b>   | <b>Affidavit of Employee D, dated July 27, 2023</b>                         |
| <b>13</b>   | <b>Affidavit of Employee D, dated March 2, 2023</b>                         |
| <b>14</b>   | <b>Affidavit of Employee E</b>  |
| <b>15</b>   | <b>Affidavit of Employee F</b>  |
| <b>16</b>   | <b>Statement of Employee F</b>  |
| <b>17</b>   | <b>Affidavit of Employee G</b>  |
| <b>18</b>   | <b>Statement of Employee H</b>  |

| <b>Exhibit</b> | <b>Description</b>             |
|----------------|--------------------------------|
| <b>19</b>      | <b>Statement of Employee I</b> |
| <b>20</b>      | <b>Statement of Employee J</b> |
| <b>21</b>      | <b>Statement of Employee K</b> |
| <b>22</b>      | <b>Statement of Employee L</b> |
| <b>23</b>      | <b>Statement of Employee M</b> |
| <b>24</b>      | <b>Statement of Employee N</b> |
| <b>25</b>      | <b>Statement of Employee O</b> |
| <b>26</b>      | <b>Statement of Employee P</b> |
| <b>27</b>      | <b>Affidavit of Employee Q</b> |

Exhibits 1–4 omitted, see Petitioner’s Notice of Filing Administrative Transcripts

# EXHIBIT 5

PG Publishing Co., Inc. d/b/a Pittsburgh  
Post-Gazette  
Case 06-CA-268248

### Confidential Witness Affidavit

I, John Clark, under the penalty of perjury, state as follows:

**I have been given assurances by an agent of the National Labor Relations Board (NLRB) that this Confidential Witness Affidavit will be considered a confidential law enforcement record by the NLRB and will not be disclosed unless it becomes necessary to produce this Confidential Witness Affidavit in connection with a formal proceeding.**

I reside at 5128 Azalea Drive, Pittsburgh PA 15236

My cell phone number (including area code) is 412-651-5659

My e-mail address is johnclarkjr@comcast.net

I am employed by PG Publishing Co. d/b/a the Pittsburgh Post-Gazette

located at 2201 Sweeny drive

1 I have worked at the Pittsburgh Post-Gazette (“the Employer”) since 1978. I have been  
2 President of Mailers Local 22, CWA 14842 (“the Union”) since summer 2022.  
  
3 The Union has six scheduled meetings per year. We basically have the same 5-4 people  
4 at all of the meetings, it’s mainly the officers. Attendance have never been very high. Three or  
5 four years ago, the former president Steve and I tried to get other people involved, but that was  
6 unsuccessful. Interest in the Union has dropped as the industry has declined over the past 10  
7 years. Everyone in the Union has felt there was no reason to expect any positive developments  
8 from the Employer since about 2017—with print days being cut, we were just trying to hang on.

#### Privacy Act Statement

The NLRB is asking you for the information on this form on the authority of the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the NLRB in processing representation and/or unfair labor practice cases and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). Additional information about these uses is available at the NLRB website, [www.nlrb.gov](http://www.nlrb.gov). Providing this information to the NLRB is voluntary. However, if you do not provide the information, the NLRB may refuse to continue processing an unfair labor practice or representation case, or may issue you a subpoena and seek enforcement of the subpoena in federal court.

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1         Around July 2020, we had about 28 members in the Union, and I believe the vote to  
2 authorize a strike was 28-0. The NewsGuild had just been implemented on, and I believe the  
3 strike authorization was in support of them—they're CWA and so are we. That action was never  
4 taken, the Guild started working under the implementation. The finance unit might have been  
5 implemented on also around that time. We're a production unit, so we were kind of waiting for  
6 the other shoe to drop and the Employer to implement on us. There was a lot of participation in  
7 this strike vote because it felt like an urgent situation. Someone had to take a stand or else we  
8 were all going up working under impasse terms.

9         Around September 30, 2022, our healthcare expired. We continued working until about  
10 October 5 without healthcare, and then we went on strike and have been out since then. We took  
11 our strike authorization vote about two weeks before we went on strike, at that point we were  
12 down to 19 members (voluntary resignations), and the strike vote was 6-1. The vote turnout was  
13 low because participation in the Union has been decreasing generally over the past few years—  
14 people don't feel like there's much left for us at the Employer. I don't know if anyone would go  
15 back to work if we got an offer to return —maybe only five.

16         Since the beginning of the strike, two of our members retired and one took disability, so  
17 we now have 16 members, 11 full time and 5 parttime employees. Three of us will be 65 this  
18 year, and I know that a few of the others have taken fulltime jobs elsewhere.

19         No one has resigned from the Union since the beginning of the strike. People show up on  
20 the picket line, even the people who are working elsewhere put a few hours on the line every  
21 week. We've gotten less stringent about that, people have bills to pay. We are no longer  
22 collecting dues. Nobody has crossed the picket line, but there hasn't really been an opportunity  
23 to. They haven't offered mailer work to anyone that's on strike. People don't blame the Union

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1 for this situation. I think it is amazing that people have kept their cool with this as long as they  
2 have.

3 I went a month without healthcare before I bought my own, and my wife got on her plan  
4 from work. This was my first time without healthcare coverage in my life. Especially being  
5 older, it's like one bad thing could put you into debt that would completely ruin you. I am lucky,  
6 I don't take medicine or anything, so for me the problem was financial. Even though I bought  
7 the lowest tier insurance available, my wife and I still have to pay more in premiums than under  
8 my own plan, through the healthcare diversion taken out of my pay. And what I have now is  
9 basically a catastrophic plan and covers only a few basic things, and the deductibles are way  
10 higher than my old healthcare.

11 There are three unit members that I know of who don't have any healthcare policy since  
12 our coverage expired last year

13

**I understand that this affidavit is a confidential law enforcement record and should not be shown to any person other than my attorney or other person representing me in this proceeding.**

**I have read this Confidential Witness Affidavit consisting of 3 pages, including this page. I fully understand the Affidavit and I state under penalty of perjury that it is true and correct.**

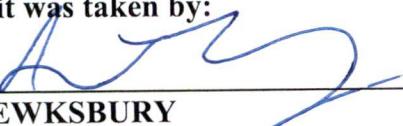
Date:

7/2/2023

Signature:

  
John Clark

This affidavit was taken by:

  
ANNE E. TEWKSBURY  
Board Agent  
National Labor Relations Board

# EXHIBIT 6

PG PUBLISHING CO., INC. D/B/A  
PITTSBURGH POST-GAZETTE  
Case 06-CA-269416

### Confidential Witness Affidavit

I, Donald McConnell, under the penalty of perjury, state as follows:

**I have been given assurances by an agent of the National Labor Relations Board (NLRB) that this Confidential Witness Affidavit will be considered a confidential law enforcement record by the NLRB and will not be disclosed unless it becomes necessary to produce this Confidential Witness Affidavit in connection with a formal proceeding.**

I reside at 131 Queenston Drive, Pittsburgh, PA 1532

My phone number (including area code) is 412-400-8327

My e-mail address is typo7president@verizon.net

I am employed by Pittsburgh Typographical Union, No.7

Located at 98 Vanadium Road, Suite 4208 ,Bridgeville, PA 15017

1           Pittsburgh Typographical Union, No.7 (“the Local”) has general membership meetings  
2       five times a year—every other month except for the summer. There are only a few members  
3       who would attend these meetings. There may have also been unit-specific meetings for the  
4       Pittsburgh Post-Gazette (“the Employer”) that I was not aware of, those would be run by the  
5       Chapel Chair.

6           There was a unit zoom meeting for a strike vote, around July 2020, about the Employer’s  
7       unilateral implementation of terms on the Finance unit and the Guild. We felt that we needed to  
8       be prepared if that was going to happen to us—it’s about a two-week process to get a strike vote,

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1 and we wanted to be able to go out on a moment's notice if needed. I think almost everyone in  
2 the Advertising unit was there-- there were around 30 unit members at that time. The vote  
3 passed with probably 75-80% support. I will send the Board Agent the vote count, which will  
4 show the number.

5 Between then and October 2022, around four unit members left the Employer for other  
6 jobs. My understanding is that it was salespeople, and were not able to make enough money  
7 with the commission plan from the expired contract, which heavily reliant on the print model.  
8 Under that plan, he salespeople who worked on commission had to make up around \$21,000 to  
9 match the salary of the non-commission people, which was just not possible with the reduced  
10 print schedule. Also around three people were promoted into management during that time.

11 When the unit lost health insurance, October 1, 2022, we had a series of meeting to try to  
12 hammer something out with the Employer. After about five days without healthcare, we went  
13 out on strike. There were around 21 unit members at that time. 15 went out on strike, and six  
14 people chose to cross the picket line immediately. Four of them resigned from the Union the day  
15 of the strike—they did not say why. Two of the people who crossed the picket line never  
16 resigned—one I haven't heard anything from, the other said that it was financial, he just  
17 couldn't afford to lose his paycheck.

18 One more returned to work and resigned from the Union around January 2023—she just  
19 said she was making the decision that was best for her. Since we went out on strike, four people  
20 left the employer, all are working full-time elsewhere.

21 There are now 10 unit members on strike—those people are rock-solid, they're really  
22 committed, they always show up for pickets. But I can tell there is strike fatigue. We don't have

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1 formal meetings anymore because there are so few people, but try to I send them weekly updates  
2 and there are two or three people who I talked to almost every day.

3 Our strike signs say Unfair Labor Practice Strike Against the Pittsburgh Post-Gazette.

4

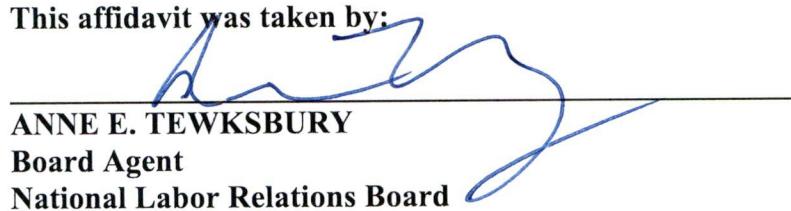
**I understand that this affidavit is a confidential law enforcement record and should not be shown to any person other than my attorney or other person representing me in this proceeding.**

**I have read this Confidential Witness Affidavit consisting of 3 pages, including this page. I fully understand the Affidavit and I state under penalty of perjury that it is true and correct.**

Date: 6/30/23

Signature:   
Donald McConnell

This affidavit was taken by:

  
ANNE E. TEWKSURY  
Board Agent  
National Labor Relations Board

# EXHIBIT 7

Exhibit 7

PG Publishing Co., Inc. d/b/a Pittsburgh  
Post-Gazette  
Case 06-CA-248017

**Confidential Witness Affidavit**

I, Zachary Tanner, under the penalty of perjury, state as follows:

**I have been given assurances by an agent of the National Labor Relations Board (NLRB) that this Confidential Witness Affidavit will be considered a confidential law enforcement record by the NLRB and will not be disclosed unless it becomes necessary to produce this Confidential Witness Affidavit in connection with a formal proceeding.**

I reside at 324 Clover St. Pittsburgh, PA 15210

My cell phone number (including area code) is 724-761-696

My e-mail address is zacktanner.7@gmail.com

I am employed by PG Publishing Co. d/b/a Pittsburgh Post-Gazette

located at 358 North Shore Drive, Pittsburgh PA

- 1 I have been the President of the Newspaper Guild of Pittsburgh a/w CWA Local 38061
- 2 (“the Union”) since around June 2022. The unfair labor practices in this case involve CBA
- 3 negotiations with the Pittsburgh Post-Gazette (“the Employer”) beginning around February 2017.
- 4 The Employer bargained in bad faith and, around July 2020, declared impasse and unilaterally
- 5 imposed part of the terms of its final offer, including a change to our healthcare plan around
- 6 September 2020. There was one post-impasse bargaining session around September 2020.
- 7 Because of the imposition of terms and the ULP charges, bargaining did not resume until
- 8 November 2022. I have been involved in every bargaining session post-impasse. The
- 9 Employer’s conduct at the bargaining table during that time has only gotten worse—when we

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1 came back to the table in November 2022, the Employer's offer was nearly identical to its 2020  
2 Final Offer (the only change was the wage scale had been updated to reflect the current wages).  
3 There have been around 6-8 bargaining sessions since then, and the Employer has not moved or  
4 changed one thing in its proposals. No agreement has been reached by the parties.

5 Around July 27, 2020, the Employer announced that they were ceasing dues check-off.  
6 After a few months, the Union was able to get a system set up to collect dues. We gave  
7 employees about two or three months sign up for this new dues collection system and get back in  
8 good standing. Around 15 people did not sign back up. No one resigned their Union  
9 membership until after we went on strike.

10 On October 17, 2022, the Union took a strike authorization vote to go out on strike  
11 because of the employer's unfair labor practices. We had about seven hours of Union meetings  
12 that day—four hours before the vote, and three hours after. About 70 people attended those  
13 meetings, and the vote passed 38-36. There were around 95 bargaining unit members at the  
14 time—around 15 were not eligible to vote because they had stopped paying dues. Some  
15 employees expressed that they opposed a strike because they couldn't afford to lose income and  
16 healthcare. Some employees expressed that they felt going on strike was not going to move the  
17 Employer. The Union sent a letter to the Employer announcing our intention to strike, which the  
18 Employer did not respond to. I have provided a copy of this letter to the Board Agent.

19 That same day, the Employer sent a letter to the bargaining unit members stating that  
20 there would be work for them if they wanted to keep working, and they could resign from the  
21 Union to avoid the Union fines. The letter gave instructions on how to revoke their Union  
22 membership. I have provided a copy of the letter to the Board Agent

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1       On October 18, 2022 at noon, the strike commenced. During the first week, around 55  
2 bargaining unit members went out. The majority of the 45 bargaining unit employees who kept  
3 working sent emails or letters resigning from the Union—I have provided copies to the Board  
4 Agent. These letters were sent either to the Union email (which I have access to) or to me  
5 personally. I also received some phone calls. Bargaining unit employees communicated to me  
6 that they believed that the Employer was so dug in that fighting / going on strike was not going  
7 to make a difference in the long run. I have heard secondhand that management was verbally  
8 encouraging employees to resign their Union memberships. I have provided to the Board Agent  
9 copies of Union communications with membership about the purpose of the strike, a Union press  
10 release about the strike, and photos of strike signs.

11       As of June 27, 2023, there are 36 bargaining unit employees on strike. Four of the  
12 original 55 strikers went back to work for the Employer, and about 15 people left for other  
13 employment. Of the strikers who left for other jobs, three reasons were given—(1) can't afford  
14 to be on strike anymore, (2) want to get back to work for the sake of their journalism career, and  
15 (3) want to leave because of bad experience at the Employer.

16

17       The entire Local meets every quarter and, before the strike, the unit would meet every  
18 month or every other month. Pre-covid (i.e. until March 2020) when the Local meetings were in  
19 person, almost all of the bargaining unit employees attended. Same deal with the unit meetings,  
20 almost everyone attended. When we switched to Zoom meetings around March 2020,  
21 attendance was still very high (around 80%) until the Employer unilaterally imposed terms in  
22 July 2020. In one of those meetings between March and July 2020, over 100 people attended—I  
23 remember because I had to buy a bigger Zoom package. After the Employer unilaterally

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1 imposed terms, attendance at the Union meetings began to steadily drop. At the September 2022  
2 Union meeting—the last one before the strike vote—fewer than 40 unit members attended. I will  
3 provide the Board Agent with the Union's attendance lists.

4 Since we went on strike, the striking employees have daily check-in meetings and the  
5 majority of striking employees attend (around 20-30 people).

6 After the start of the strike, the Union also had two or three meetings specifically for  
7 folks who had crossed the picket line and revoked their membership. These meetings were  
8 meant to be an open forum and Q&A for the resigned members.

9 Around October 25, 2022 we had the first of these meetings. About 15 picket line  
10 crossers attended this meeting. I was there and a couple of committee heads, and we talked  
11 about our strike relief fund, CWA's healthcare coverage, and the actions we were planning to put  
12 pressure on the Employer to resolve the strike. We gave an open forum to the resigned members  
13 to ask questions and discuss the strike. It was similar to strike vote meeting—the resigned  
14 members expressed that they couldn't afford to go without healthcare and income, and that they  
15 believed the strike was not going to change anything. We possibly had another similar meeting  
16 around this time to catch the people who couldn't make it—I don't recall specifically.

17 Two or three weeks later, around mid-November, the Union had another meeting for  
18 resigned members where we gave updates on the strike and bargaining. Less than 10 people  
19 attended, and there was very little participation or questions so it was a very short meeting—  
20 around 40 minutes.

21

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I have read this Confidential Witness Affidavit consisting of 5 pages, including this page. I fully understand the Affidavit and I state under penalty of perjury that it is true and correct.

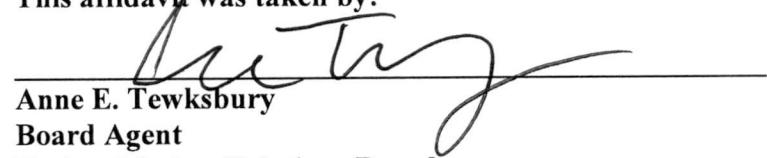
Date: 6/27/2023

Signature:



Zachary Tanner

This affidavit was taken by:

  
Anne E. Tewksbury  
Board Agent  
National Labor Relations Board

Exhibits 8–27 omitted, pending the Court’s ruling on Petitioner’s Motion to Redact